

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE NO. 1/7

(Attachment)

DCI POLICY ON RELEASE OF
FOREIGN INTELLIGENCE TO CONTRACTORS ¹

1. In order that the Intelligence Community agencies may more effectively discharge their responsibilities and without intent to limit such broader authority or responsibility as any may now have under law, NSC Directive or special agreements among them, selected intelligence ² may be made available by recipient officials of the Intelligence Community agencies or their designated subordinates to certain contractors without referral to the originating agency, provided that:

a. Release ³ shall be limited to private individuals (including consultants) or organizations certified by the Senior Intelligence Office of the sponsoring Intelligence Community agency as being under contract to the United States Government for the purpose of performing classified services

¹ "General policy is set forth in DCID No. 1/7, 'Control of Dissemination of Foreign Intelligence,' effective 18 May 1976. In accordance with paragraph 5a(3) of DCID 1/7, the Intelligence Community agencies agree that government-owned, contractor-operated laboratories performing classified services in support of the intelligence mission of the Energy Research and Development Administration, which are designated authorized channels by the ERDA Senior Intelligence Officer, are not considered contractors for the purposes of this policy statement."

² This directive deals solely with foreign intelligence, which for purposes of this directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, ERDA and the military commands. This specifically excludes Foreign Service reporting and Sensitive Compartmented Information* (SCI). Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release SCI must be obtained from its originator. SCI is covered specifically by paragraph 3 of this directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

*The term "Sensitive Compartmented Information" as used in this directive is intended to include all information and materials bearing special community controls indicating restricted handling within present and future community intelligence collection programs and their end products for which community systems of compartmentation have been or will be formally established. The term does not include RESTRICTED DATA as defined in Section II, Public Law 585, Atomic Energy Act of 1954, as amended.

³ Release is the visual, oral or physical disclosure of classified intelligence material.

in support of the mission of a member agency,⁴ his department or service, as having a need-to-know, and as possessing the required security clearances.

b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the Senior Intelligence Officer of the sponsoring member agency (i.e., the chief of the intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee.⁵

c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon completion of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.

e. Contractors receiving intelligence material will not release the material (1) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (2) to another contractor (including a subcontractor), government agency, private individual or organization without the consent of the releasing agency (which shall verify that the second contractor has a need-to-know and meets security requirements).

f. Contractors will ensure that intelligence material will not be released to foreign nationals whether or not they are also consultants, US contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.

g. Contractors shall be required to maintain such records as will permit them to furnish, on demand, the names of individuals who have had access to intelligence materials in their custody.

h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made.

2. The following intelligence materials *shall not* be released to contractors:

National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), National Intelligence Analytical Memoranda and Inter-agency Intelligence Memoranda are not releasable and hence shall bear the

⁴ Non-Intelligence Community government components under contract to fulfill an intelligence support role, may be treated as members of the Intelligence Community rather than as contractors. When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further intelligence material made available to them.

⁵ Releasing agencies are required to delete: a) the CIA seal, b) the phrase "Directorate of Operations," c) the place acquired, d) the field number, and e) the source description from all CIA Directorate of Operations reports passed to contractors, unless prior approval to release such information is obtained from CIA.

NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS stamp. However, information contained therein may be made available, without identification as national intelligence, over the byline of the Senior Intelligence Officer of the Intelligence Community agency authorizing its release.

3. The following intelligence materials *shall not* be released to contractors unless special permission has been obtained from the originator:

Materials which by reason of sensitivity of content bear special markings, such as NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS or CAUTION—PROPRIETARY INFORMATION INVOLVED contained in DCID 1/7 (effective 18 May 1976) or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the Security Committee.